

REMARKS

Claims 1-20 are currently pending in this application, claims 1, 14 and 18 being the independent claims. By the present amendment, claims 1, 7, 14 and 18 have been amended. Independent claims 1 and 14 have been amended in a manner which is believed to overcome the rejections in the Final Office Action. The rejection with respect to claim 18 is respectfully traversed. Accordingly, reconsideration of the rejections and allowance of this application are respectfully requested.

In the Final Office Action dated October 17, 2005, claims 1, 2, 5, 9, 14, 15 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,957,348 to May (the '348 patent) in view of U.S. Patent No. 4,874,933 to Sanner (the '933 patent). Claims 11-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '348 patent in view of the '933 patent. Claims 3, 4, 16 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '348 patent in view of the '933 patent and in further view of U.S. Patent No. 6,223,986 to Bobba et al. Claims 6-8, 19 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '348 patent in combination with the '933 patent and in further view of U.S. Patent No. 6,230,976 to Sautter et al. Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over the '348 patent in combination with the '933 patent in further view of U.S. Publication No. 2002/0011520 to Gurevich et al.

Independent claims 1 and 14 were amended to include limitations found in original claim 7 which depends from claim 1. Since these limitations were of record before the Examiner prior to issuance of the Final Office Action, it is believed that a new search is not required. Further, these limitations are not disclosed or suggested by the references of record and therefore independent claims 1 and 14 are believed to be in condition for allowance. Further still, similar limitations are recited by independent claim 18. Therefore, the rejection with respect to

independent claim 18 is respectfully traversed and claim 18 is believed to also be in condition for allowance.

Specifically, claim 1 has been amended to recite:

An optical code reader comprising:
a chassis;
an imaging optics assembly housed within a mechanical barrel assembly pivotally mounted on the chassis;
an assembly for receiving and processing image data generated by the imaging optics assembly; and
means for focusing the imaging optics assembly on a target image, wherein a pivot pin rotatably connects the mechanical barrel assembly to the chassis, wherein the focus is adjusted by pivoting the imaging optics assembly about the pivot pin such that the imaging optics assembly pivots relative to the assembly for receiving and processing image data, and further such that a linear distance between the imaging optics assembly and the assembly for receiving and processing image data is adjusted. (Emphasis added)

Independent claims 14 and 18 recite similar limitations as claim 1. That is, that the imaging optics assembly is housed within a mechanical barrel assembly connected to the chassis and where the imaging optics assembly pivots about a pivot pin and relative to the assembly for receiving and processing image data. None of the references of record disclose or suggest a imaging optics assembly housed within a mechanical barrel assembly and where the mechanical barrel assembly is rotatably connected to a chassis by a pivot pin as recited by Applicants' claim 1.

Further, none of the references of record disclose or suggest "pivoting a mechanical barrel assembly housing the imaging optics assembly such that the imaging optics assembly is pivoted relative to the image data receiving and processing assembly such that a linear distance between the imaging optics assembly and the image data receiving and processing assembly is adjusted to focus the imaging optics assembly on a target image" as recited by Applicants' claim 14.


Further still, none of the references of record disclose or suggest "an opto-mechanical barrel assembly for housing an imaging optics assembly, wherein the opto-mechanical barrel

assembly is pivotally mounted on the chassis such that pivotal movement of the opto-mechanical barrel assembly relative to the image data receiving and processing assembly alters a linear distance between the opto-mechanical barrel assembly and the image data receiving and processing assembly and adjusts the focus of the imaging optics assembly on a target image" as recited by Applicants' claim 18.

Accordingly, it is respectfully submitted that none of the references of record disclose or suggest the present invention as claimed in the claims as amended, considered individually or in combination, with themselves, considered in whole or in part. Hence, withdrawal of the rejections with respect to Applicants' independent claims 1, 14 and 18 and their respective dependent claims and the allowance of all the pending claims are respectfully requested.

Early and favorable reconsideration of this application is respectfully requested. Should the Examiner feel that a telephone or personal interview may facilitate resolution of any remaining matters, he or she is respectfully requested to contact Applicants' attorney at the number indicated below.

Respectfully submitted,


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